



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,953	11/26/2001	Tosiyasu L. Kunii	13826	5231

7590 05/20/2004  
Dowell & Dowell, P.C.  
Suite 309  
1215 Jefferson Davis Highway  
Arlington, VA 22202

EXAMINER

JAKETIC, BRYAN J

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/991,953

Applicant(s)

KUNII, TOSIYASU L.

Examiner

Bryan Jaketic

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-3 and 18-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims employ the limitation "cellular information theory." Theories, by definition, are subject to change over time, and the limitation therefore renders the claim indefinite.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunphy et al. Dunphy et al teach an electronic commercial transaction supporting system and method comprising the steps of: extracting correspondence/predetermined equivalence relations between attributes of a plurality of subjects (see col. 6, lines 8-25), wherein the relations are determined by respective viewpoints (see col. 3, lines 5-21); recording extracted correspondence relations to a cellular space (see col. 3, for

example, lines 22-30); and presenting the relations at a stage of an electronic commercial transaction (see, for example, col. 1, lines 15-23). The extracting, storing, and presenting are repeated cyclically in such a way as to effect feedback (see col. 6, lines 54-65).

Dunphy et al do not teach the use of a technique of cellular information theory. However, cellular information theory is well known in the art and it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a technique of cellular information theory as an efficient means of extracting information.

Dunphy et al do not teach a plurality of shops connected to a network. Dunphy instead teaches a plurality of manufacturers (see col. 1, lines 14-32). However, it is common in the art for manufacturers to also function as shops. It would have been obvious to employ manufacturers that also function as shops with the invention of Dunphy et al to allow for direct sales to increase profits.

Dunphy et al further teach a business information management system (101) comprising a first functional block which transversely refers to respective data tables of the plurality of manufacturers (see col. 3, lines 5-21); a second functional block which detects a desired correspondence relation (see col. 3, for example, lines 22-30); and a third functional block which presents the detected desired correspondence at a stage of an electronic commercial transaction (see col. 1, for example, Fig. 8). Dunphy et al further teach the a functional block that detects an inconsistent correspondence relation (see col. 10, lines 30-39).

5. Claims 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dunphy et al in view of Spiegel et al. Dunphy et al teach all of the limitations detailed in paragraph 4 of this Office Action. Dunphy et al do not teach the step of accumulating extracted correspondence relations in a data table based on actual examples of an electronic commercial transaction. Spiegel et al teach a method of extracting attributes and accumulating them in a data table based on actual examples of an electronic commercial transaction (see, for example, Fig. 6). It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Spiegel et al with the invention of Dunphy et al to accumulate attributes in a data table based on actual examples of an electronic commercial transactions to create a data table that meets consumer needs.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McCann et al and Cansler et al teach methods of extracting attributes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan Jaketic whose telephone number is (703) 308-0134. The examiner can normally be reached on Monday through Friday (9:00-5:30).


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703)308-5183. The fax phone

Art Unit: 3627

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

bj

A handwritten signature in black ink, appearing to read "M. J. [unclear]".